

## REMARKS

Claims 1, 9, and 14 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 1 and 9 recite that water flows into and out of the tank through the passage fitting. Claim 14 recites that the cap closes the second end of the tube disposed in the tank. The amendments to the claims are supported by material throughout the specification, especially Figure 1, which shows how water flows into and out of the tank through the passage fitting 34 because the second end of the tube 24 is closed by the cap 28.

### Rejections under 35 U.S.C. § 103

Claims 1-10, 12-14, 16, and 18 stand rejected under 35 U.S.C. 103 as being obvious in view of Forster. Applicant respectfully disagrees and also submits that the amendments to claims 1, 9, and 14 render this rejection moot. Forster discloses a pulsation dampener device having a diaphragm disposed about a central tube. The device conveys a fluid under pressure (column 2, lines 12-13). In contrast, the tank of the instant claims does not convey fluid. Rather, fluid flows into and out of the tank through a single fitting. Forster neither discloses or suggests a tank having a single opening for ingress and egress or a tank having a tube that is closed at one end, as recited in claim 9. Furthermore, modifying Forster's tank to only have a single opening would allow water to stagnate in the tank in the space between the last orifice 8 and the end of the diaphragm 13. By employing slots that are open to the end of the tube, the inventive tank ensures that substantially all water will be forced out of the space between the tube and the diaphragm when the diaphragm is disposed against the tube. Applicant submits that claims 1, 9, and 14, and claims 2-10, 12-13, 16, and 18 dependent therefrom, are patentable in view of Forster.

Claims 14 and 16-18 stand rejected as being unpatentable in view of Mercier. While this rejection is stated as being a rejection under 35 U.S.C. 102, the rationale for this rejection is phrased as if the rejection were under 35 U.S.C. 103. Applicant traverses the rejection regardless of its basis. Furthermore, Applicant submits that the amendment to claim 14 renders the rejection moot. As does Forster, Mercier discloses a pulsation dampener device that conveys a fluid between two ports (Abstract). Mercier fails to disclose a tank having a central tube that is closed at one end, as recited by claim 14. Furthermore, modifying Mercier's tank to only have a single port would allow water to stagnate in the tank in the space between the last perforation 53

and the place where sleeve 37 meets the diaphragm 30. By employing slots that are open to the end of the tube, the inventive tank ensures that substantially all water will be forced out of the space between the tube and the diaphragm when the diaphragm is disposed against the tube. Applicant submits that claim 14 and claims 16-18, which depend from claim 14, are patentable in view of Mercier.

A petition for extension of time and the appropriate fee are enclosed. Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,



Valarie B. Rosen  
Registration Number 45,698  
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Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000  
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